

ORDINANCE NO 20070927-090

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 6406 NORTH IH-35, SUITE 1100 FROM GENERAL COMMERCIAL SERVICES (CS) DISTRICT TO COMMERCIAL-LIQUOR SALES-CONDITIONAL OVERLAY (CS-1-CO) COMBINING DISTRICT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN

PART 1 The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from general commercial services (CS) district to commercial-liquor sales-conditional overlay (CS-1-CO) combining district on the property described in Zoning Case No C14-2007-0107, on file at the Neighborhood Zoning and Planning Department, as follows

7,612 square feet of land, more or less, out of the James P Wallace League Survey No 57, Abstract No 789, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 6406 North IH-35, Suite 1100, n the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B"

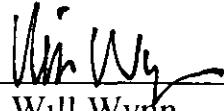
PART 2 The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions

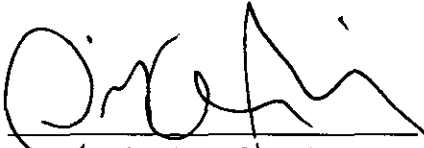
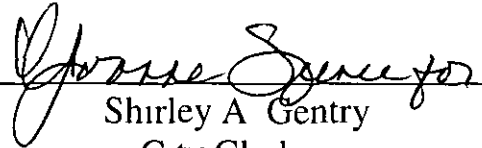
A site plan or building permit for the Property may not be approved released, or issued if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the commercial-liquor sales (CS-1) base district and other applicable requirements of the City Code

PART 3 This ordinance takes effect on October 8, 2007

PASSED AND APPROVED

_____, 2007 §
 §
 § 
 Will Wynn
 Mayor

APPROVED  **ATTEST** 
David Allan Smith Shirley A. Gentry
City Attorney City Clerk

METCALFE & SANDERS, INC./LAND SURVEYORS

4800 SOUTH CONGRESS
AUSTIN TEXAS 78745
(512) 442 5363

SURVEYS & RECORDS SINCE 1904

Exhibit "A"

Rock City Icehouse

Zoning Notes

0 1747 of one acre of land, a portion of the
James P Wallace League Survey No 57, Abstract No 789
City of Austin, Travis County, Texas

LEGAL DESCRIPTION

METES AND BOUNDS DESCRIPTION OF A SURVEY OF 7 612 SQUARE FEET OF LAND OR 0 1747 OF ONE ACRE OF LAND A PORTION OF THE JAMES P WALLACE LEAGUE SURVEY NO 57 ABSTRACT NO 789 IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS SAID 7,612 SQUARE FEET OF LAND OR 0 1747 OF ONE ACRE OF LAND BEING A PORTION OF THAT 22 075 ACRE TRACT A PORTION OF THE SAID JAMES P WALLACE LEAGUE SURVEY NO 57 DESIGNATED AS ITEM 14 UNDER "REAL ESTATE" IN CAUSE NO 27 686 IN THE PROBATE OF THE WILL OF LEMUEL SCARBROUGH, DECEASED, AS RECORDED IN MINUTE BOOK 385, PAGE 201 PROBATE COURT RECORDS OF TRAVIS COUNTY, TEXAS, SAID 7,612 SQUARE FEET OF LAND OR 0 1747 OF ONE ACRE OF LAND BEING ALSO A PORTION OF THAT 21 66 ACRE TRACT A PORTION OF THE SAID JAMES P WALLACE LEAGUE SURVEY NO 57, AS DESCRIBED IN A DEED CONVEYING AN UNDIVIDED ONE-HALF INTEREST FROM MARGARET CALDWELL SCARBROUGH E C McCLURE AND THE AUSTIN NATIONAL BANK, INDEPENDENT EXECUTRIX AND INDEPENDENT EXECUTORS OF THE ESTATE OF LEMUEL SCARBROUGH DECEASED TO MARGARET SCARBROUGH WILSON AND LEMUEL SCARBROUGH, JR AS RECORDED IN VOLUME 3240 PAGE 1004, DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 7,612 SQUARE FEET OF LAND OR 0 1747 OF ONE ACRE OF LAND BEING ALSO A PORTION OF THAT SAME 21 66 ACRE TRACT A PORTION OF THE SAID JAMES P WALLACE LEAGUE SURVEY NO 57, CONVEYING AN UNDIVIDED ONE-FOURTH (1/4) INTEREST IN A DEED FROM MARGARET SCARBROUGH WILSON TO LEMUEL SCARBROUGH, JR AS RECORDED IN VOLUME 4374, PAGE 604 DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 7 612 SQUARE FEET OF LAND OR 0 1747 OF ONE ACRE OF

LAND BEING ALSO A PORTION OF THAT 680,100 SQUARE FOOT OR 15 6129 ACRE TRACT A PORTION OF THE SAID JAMES P WALLACE LEAGUE SURVEY NO 57 IN THE CITY OF AUSTIN TRAVIS COUNTY, TEXAS, AS DESCRIBED IN A TRUSTEE'S DEED (BY SUBSTITUTE TRUSTEE) FROM BRUCE R COLEMAN, SUBSTITUTE TRUSTEE, TO METROPOLITAN LIFE INSURANCE COMPANY AS RECORDED IN VOLUME 10830, PAGE 338, REAL PROPERTY RECORDS OF TRAVIS COUNTY TEXAS, SAID 7 612 SQUARE FEET OF LAND OR 0 1747 OF ONE ACRE OF LAND BEING ALSO A PORTION OF THAT SAME 680,100 SQUARE FOOT OR 15 6129 ACRE TRACT A PORTION OF THE SAID JAMES P WALLACE LEAGUE SURVEY NO 57 IN THE CITY OF AUSTIN, TRAVIS COUNTY TEXAS, AS DESCRIBED IN THAT ASSIGNMENT AND ASSUMPTION OF LEASE BY AND BETWEEN METROPOLITAN LIFE INSURANCE COMPANY AND 35 AUSTIN PARTNERS LTD AS RECORDED IN VOLUME 12577, PAGE 553, REAL PROPERTY RECORDS OF TRAVIS COUNTY TEXAS, AND BEING ALSO A PORTION OF THAT SAME 680,100 SQUARE FOOT OR 15 6129 ACRE TRACT, A PORTION OF THE SAID JAMES P WALLACE LEAGUE SURVEY NO 57, IN THE CITY OF AUSTIN TRAVIS COUNTY TEXAS, AS DESCRIBED IN THAT ASSIGNMENT AND ASSUMPTION OF GROUND LEASE DATED JUNE 17 2005 FROM 35 AUSTIN PARTNERS LTD TO LINCOLN DUNHILL HOLDINGS, LTD OF RECORD IN DOCUMENT NO 2005108805, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AS SURVEYED FOR ROCK CITY ICEHOUSE BY METCALFE & SANDERS INC LAND SURVEYORS 4800 SOUTH CONGRESS AVENUE AUSTIN TEXAS, SAID 7,612 SQUARE FEET OF LAND OR 0 1747 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH

COMMENCING for reference at a 1/2" steel pin in concrete found at the intersection of the east line of Middle Fiskville Road with the south line of Huntland Drive at the northwest corner of that 22 075 acre tract, a portion of the James P Wallace League Survey No 57 Abstract No 789, in the City of Austin, Travis County, Texas designated as Item No 14 under 'Real Estate' in Cause No 27 686 in the Probate of the Will of Lemuel Scarbrough, Deceased as recorded in Minute Book 385 Page 201, Probate Court Records of Travis County, Texas, said 1/2" steel pin in concrete found being also at the northwest corner of that 21 66 acre tract, a portion of the said James P Wallace League Survey No 57 in the City of Austin, Travis County Texas, as described in a deed conveying an undivided one-half interest from Margaret Caldwell Scarbrough E C McClure and the Austin National Bank Independent Executrix and

Independent Executors of the Estate of Lemuel Scarbrough, Deceased to Margaret Scarbrough Wilson and Lemuel Scarbrough, Jr as recorded in Volume 3240, Page 1004, Deed Records of Travis County, Texas and at the northwest corner of that same 21 66 acre tract a portion of the said James P Wallace League Survey No 57, conveying an undivided one-fourth (1/4) interest in a deed from Margaret Scarbrough Wilson to Lemuel Scarbrough, Jr as recorded in Volume 4374, Page 604 Deed Records of Travis County Texas, said 1/2" steel pin in concrete found being also the northwest corner of that 680,100 square foot or 15 6129 acre tract, a portion of the said James P Wallace League Survey No 57 in the City of Austin, Travis County, Texas, as described in an Assignment And Assumption of Ground Lease from 35 Austin Partners, Ltd to Lincoln Dunhill Holdings, Ltd in Document No 2005108805, Official Public Records of Travis County Texas

Thence with the east line of Middle Fiskville Road and the west line of the said Margaret Caldwell Scarbrough 22 075 acre tract and the west line of the said Lemuel Scarbrough Jr 21 66 acre tract and being also with the west line of the said Lincoln Dunhill Holdings, Ltd 15 6129 acre tract, S 29°44' W 928 39 feet to a calculated point

Thence crossing the said Margaret Caldwell Scarbrough 22 075 acre tract and the said Lemuel Scarbrough Jr 21 66 acre tract, and also crossing the said Lincoln Dunhill Holdings Ltd 15 6129 acre tract S 60°16' E 56 83 feet to a calculated point for the POINT OF BEGINNING and most northerly northwest corner of the herein described tract

THENCE crossing the said Margaret Caldwell Scarbrough 22 075 acre tract and the said Lemuel Scarbrough Jr 21 66 acre tract and also crossing the said Lincoln Dunhill Holdings, Ltd 15 6129 acre tract, courses numbered 1 through 19 inclusive as follows

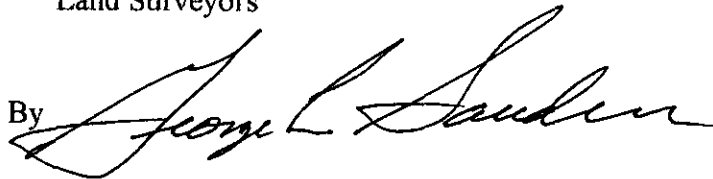
- (1) S 81°38'30" E 46 61 feet to a calculated point for the most northerly northeast corner of the herein described tract,
- (2) S 10°53'10" W 26 50 feet to a calculated point in the north face of a masonry building for an interior corner of the herein described tract
- (3) with a north face of the said masonry building S 81°40'10" E 3 51 feet to a corner of the said masonry building
- (4) with the northeast face of the said masonry building S 36°47'50" E 12 09 feet to a corner of the said masonry building
- (5) with an east face of the said masonry building S 8°17'40" W 15 50 feet to a corner of the said masonry building for an interior corner of the herein described tract,
- (6) with a north face of the said masonry building S 81°42'20" E 2 96 feet to a northeast corner of the said masonry building for a northeast corner of the herein described tract
- (7) with an east face of the said masonry building S 7°12'40" W 9 66 feet to a corner of the said masonry building, for an interior corner of the herein described tract
- (8) with a north face of the said masonry building, S 81°42'20" E 2 04 feet to a northeast corner of the said masonry building for a northeast corner of the herein described tract
- (9) with an east face of the said masonry building, S 8°20'30" W 22 60 feet to a southeast corner of the said masonry building for a southeast corner of the herein described tract
- (10) with a south face of the said masonry building N 81°42'20" W 2 08 feet to a corner of the said masonry building for an interior corner of the herein described tract
- (11) with an east face of the said masonry building, S 8°40'30" W 9 60 feet to a southeast corner of the said masonry building for a southeast corner of the herein described tract,

- (12) with a south face of the said masonry building N 81°42'20" W 3 00 feet to a corner of the said masonry building, for an interior corner of the herein described tract,
- (13) with an east face of the said masonry building S 8°21'40" W 15 75 feet to a corner of the said masonry building
- (14) with a southeast face of the said masonry building, S 53°17'40" W 12 00 feet to a corner of the said masonry building for the southeast corner of the herein described tract,
- (15) crossing said masonry building N 81°47'20" W 61 67 feet to a calculated point for the southwest corner of the herein described tract
- (16) with a west face of the said masonry building, N 8°19'30" E 82 01 feet to a corner of the said masonry building,
- (17) with a northwest face of the said masonry building, N 54°40'50" E 11 94 feet to a corner of the said masonry building
- (18) with a north face of the said masonry building, S 81°40'10" E 3 89 feet to a calculated point, for an interior corner of the herein described tract,
- (19) N 8°29'20" E 26 50 feet to the POINT OF BEGINNING of the herein described tract containing 7 612 square feet of land or 0 1747 of one acre of land

Metes and Bounds Description
Prepared June 12 2007 From a
Survey Made May 29, 2007

METCALFE & SANDERS INC
Land Surveyors

By



George L. Sanders
Texas Registered Professional
Land Surveyor No 1838

Plan 2443
Reference Plan 7871A
FB 890, P 77-78 & DC
FB 885 P 51-60 & DC

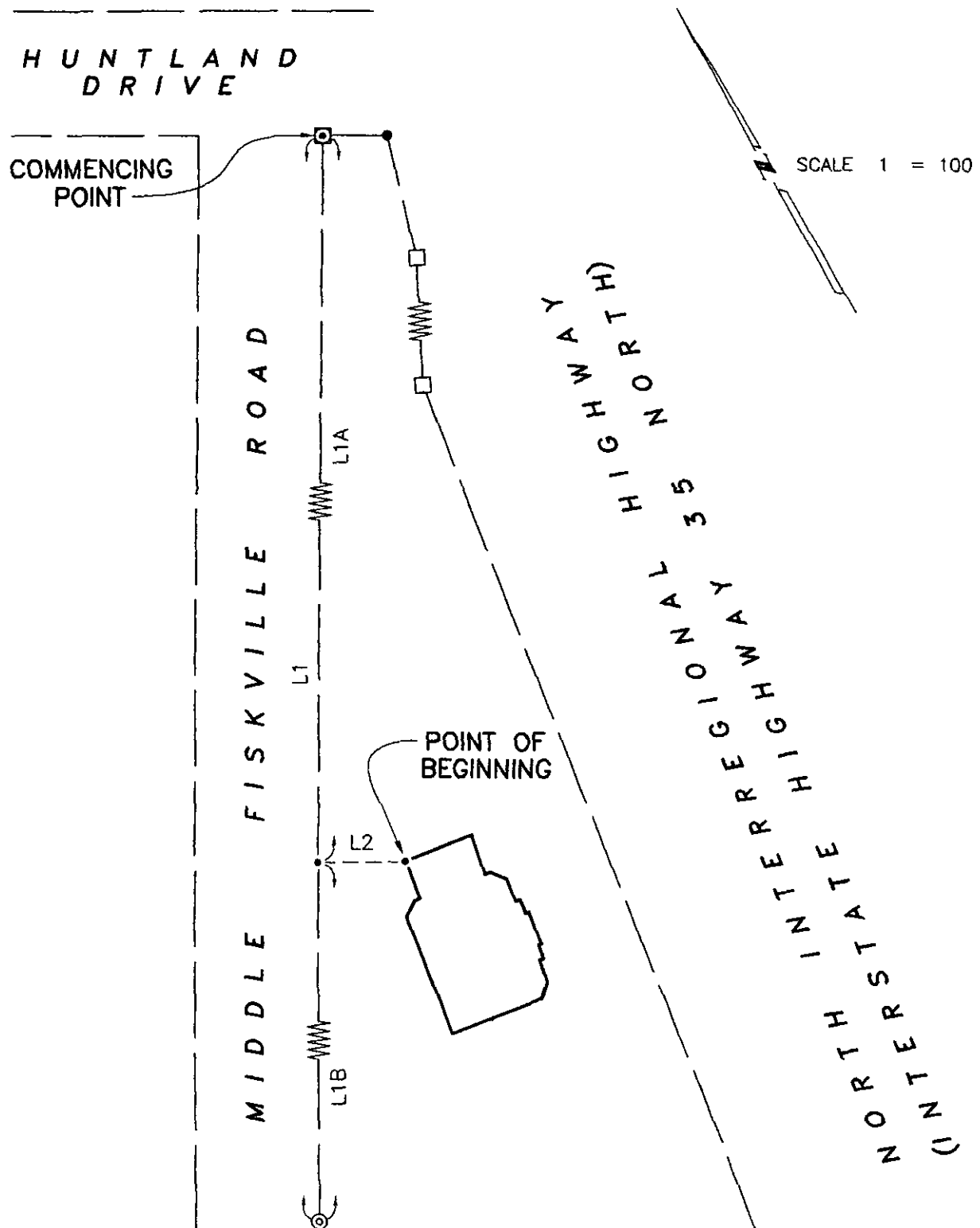
Job No 07145 01

REFERENCES

TCAD PLAT MAP # 2-2614 & 2-2814
TCAD PARCEL # 02-2614-0101-0000
AUSTIN GRID K-27 & L-27

EXHIBIT —

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
ZONING TRACT
JAMES P WALLACE LEAGUE SURVEY NO 57, ABSTRACT NO 789
CITY OF AUSTIN, TRAVIS COUNTY, TEXAS



JOB NO 07145 01

PLAN 2443 SHEET 1 OF 3

EXHIBIT

MIDDLE FISKVILLE ROAD

L1A

POINT OF BEGINNING

L2

57.8

N 29°44' E
(N 29°44' E)
BEARING BASIS

METROPOLITAN LIFE
INSURANCE COMPANY
15 6129 ACRES

10830
338

NORTH
35
1 H

L3
L4
L5
L6
L7
L8
L9
L10
L11
L12
L13
L14
L15
L16
L17
L18
L19
L20
L21

NORTH LINE
OF BUILDING

7612 SQ FT
OR
0.1747 ACRE

ONE STORY
MASONRY BUILDING

ENTRY ALCOVE

L17
LINE OF BUILDING

LINE OF BUILDING

LINCOLN DUNHILL HOLDINGS LTD
ASSIGNMENT AND ASSUMPTION OF GROUND LEASE
15 6129 ACRES
DN 2005108805

LEGEND

- CALCULATED POINT
- 1/2" STEEL PIN WITH PLASTIC CAP FOUND
PLASTIC CAP STAMPED M & S 1838"
- ⊗ 1/2" STEEL PIN FOUND IN CONCRETE
- ⊙ 1/2" IRON PIPE FOUND
- TEXAS DEPARTMENT OF TRANSPORTATION
TYPE II MONUMENT FOUND
- (0°00'00") DENOTES RECORD BEARING

VOL
PAGE

DEED/REAL PROPERTY RECORDS
OF TRAVIS COUNTY TEXAS

DN

DOCUMENT NO OFFICIAL PUBLIC
RECORDS OF TRAVIS COUNTY TEXAS

SCALE 1 = 30

JOB NO 07145 01

PLAN 2443 SHEET 2 OF 3

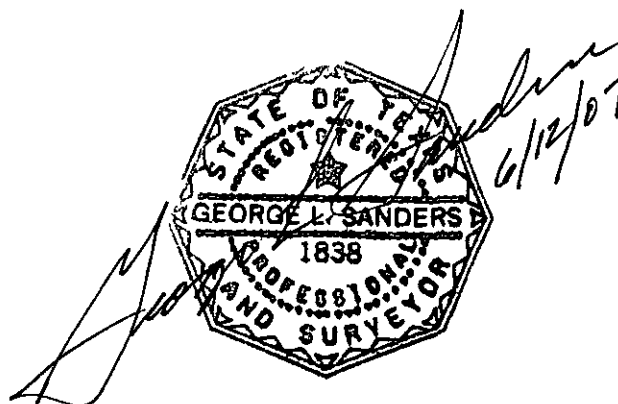
NOTES

- 1 A METES AND BOUNDS DESCRIPTION WAS PREPARED AS AN ATTACHMENT TO ACCOMPANY THE SURVEY OF THE 0.1747 OF ONE ACRE ZONING TRACT SHOWN HEREON
- 2 BEARING BASIS IS THE WEST LINE OF THE METROPOLITAN LIFE INSURANCE COMPANY 15.6129 ACRE TRACT (THE EAST LINE OF MIDDLE FISKVILLE ROAD) OF RECORD IN VOLUME 10830 PAGE 338 REAL PROPERTY RECORDS OF TRAVIS COUNTY TEXAS

LINE TABLE

L1	N 29°44'	E	2273.11
L1A	S 29°44'	W	928.39
L1B	S 29°44'	W	1344.72
L2	S 60°16'	E	56.83
L3	S 81°38'30"	E	46.61
L4	S 10°53'10"	W	26.50
L5	S 81°40'10"	E	3.51
L6	S 36°47'50"	E	12.09
L7	S 8°17'40"	W	15.50
L8	S 81°42'20"	E	2.96
L9	S 7°12'40"	W	9.66
L10	S 81°42'20"	E	2.04

L11	S 8°20'30"	W	22.60
L12	N 81°42'20"	W	2.08
L13	S 8°40'30"	W	9.60
L14	N 81°42'20"	W	3.00
L15	S 8°21'40"	W	15.75
L16	S 53°17'40"	W	12.00
L17	N 81°47'20"	W	61.67
L18	N 8°19'30"	E	82.01
L19	N 54°40'50"	E	11.94
L20	S 81°40'10"	E	3.89
L21	N 8°29'20"	E	26.50



SURVEY COMPLETED MAY 29 2007
METCALFE & SANDERS INC
LAND SURVEYORS

JOB NO 07145.01

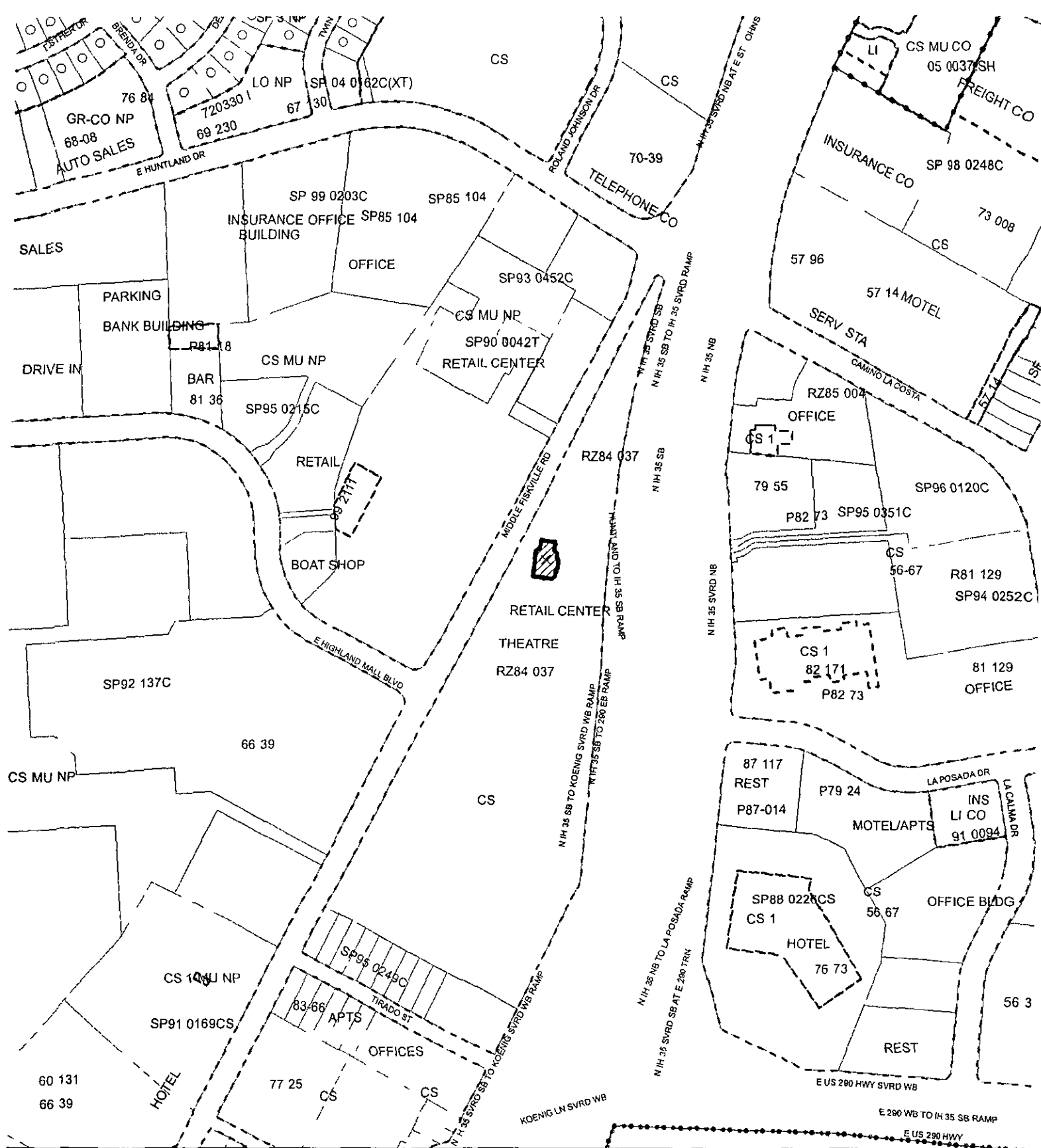
REF PLAN 7871A

FB 890 P 77-78 & DC
FB 885 P 51-60 & DC

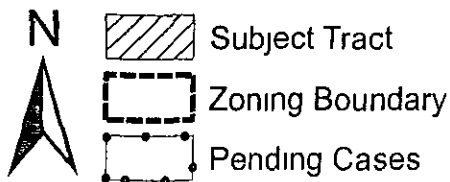
PLAN 2443 SHEET 3 OF 3

BY

GEORGE L. SANDERS
TEXAS REGISTERED PROFESSIONAL
LAND SURVEYOR NO 1838
AUSTIN TEXAS



ZONING Exhibit B



ZONING CASE# C14 2007-0107
 ADDRESS 6406 N IH 35 STE 1100
 SUBJECT AREA 0.1747 ACRES
 GRID L27
 MANAGER J ROUSSELIN



1 = 400 OPERATOR SM

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